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Enacted: December 1, 1981
Executive: December 10, 1981
Effective: December 10, 1981

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
April Legislative Session 1981

Chapter 40
Laws of Montgomery County 1982

AN EMERGENCY ACT to amend Chapter 2, title "Administration", Chapter 11B, title "Contracts, Procurement Matters and Public Ethics"; Chapter 21, title "Fire and rescue services"; Chapter 27, title "Human relations and civil liberties", and Chapter 33, title "Personnel" of the Montgomery County Code 1972, as amended, by amending Section 2-64I of Division 15, title "Office of personnel" of Chapter 2; Section 11B-67, title "Confidentiality; penalty provisions" of Chapter 11B; Section 21-4M, title "Personnel administration - For career employees of corporations"; of Chapter 21; Section 27-21, title "Procedure for complaints against county" of Chapter 27; and Section 33-1, title "County personnel board . . .", Section 33-3, title "Continuation and administration of merit system", Section 33-4, title "Salaries of chairman and members of personnel board", Section 33-5, title "Statement of legislative intent . . .", Section 33-6, title "Definitions", Section 33-7, title "Personnel board responsibilities", Section 33-8, title "Administrative responsibilities of chief administrative officer", Section 33-9, title "Equal employment opportunity and affirmative action", Section 33-10, title "Disclosure of illegal or improper actions in county government . . .", Section 33-12, title "Appeals of disciplinary actions . . .", Section 33-13, title "Appeal procedures", Section 33-14, title "Hearing authority of personnel board", Section 33-15, title "Judicial review and enforcement", Section 33-35, title "Definitions", Section 33-48, title

"Disability retirement hearing board", Section 33-51, title "Reports and audits", Section 33-56, title "Interpretations", Section 33-63, title "Definitions", and Section 33-71, title "Disputes", of Chapter 33; for the purpose of implementing recently approved amendments to Sections 402, 403 and 404 of the Montgomery County Charter which, among other things, change the name of the Personnel Board to the Merit System Protection Board, transfer authority to promulgate personnel regulations from the Board to the County Executive, provide for the assignment of certain matters to a hearing examiner, and require the Board to comment on proposed changes in the merit system law or regulations; establishing certain procedures and penalties; providing for the filing of certain complaints and appeals; permitting the Chief Administrative Officer to render certain decisions; specifying the manner for promulgation of Personnel Regulations; and relating generally to personnel.

Be It Enacted by the County Council for Montgomery County, Maryland, that -

Sec. 1. Section 2-64I of Chapter 2 of the Montgomery County Code 1972, as amended, be and hereby is amended to read as follows:

2-64I. Generally.

There is hereby established as a principal office of the Executive Branch an Office of Personnel under the immediate direction of a Director who shall be appointed by the County Executive subject to confirmation by the County Council. The Personnel Office shall have the following functions:

* * *

(b) Assist all appointing authorities in the implementation of merit system Charter provisions and the Personnel Regulations of the County Executive.

* * *

Sec. 2. Section 11B-67 of Chapter 11B, title "Contracts, Procurement Matters and Public Ethics" of the Montgomery County Code 1972, as amended, be and hereby is amended to read as follows:

11B-67. Confidentiality; penalty provisions.

(a) All confidential reports submitted under this Chapter shall be held strictly confidential except that:

(1) Said reports may be released at any time to federal, State or County law enforcement officials in connection with any duly authorized investigation.

(2) Said report may be released at any time to County personnel officers or the Merit System Protection Board in connection with any proceedings conducted pursuant to the County Personnel Regulations. However, nothing contained hereinabove shall permit the federal, State, or County law enforcement officials, County personnel officials, or the Merit System Protection Board to disclose publicly information in the report which they obtain unless the disclosure is made during the course of a grand jury investigation, trial or administrative hearing conducted by the Merit System Protection Board.

* * *

Sec. 3. Section 21-4M of Chapter 21, title "Fire and Rescue Services", of the Montgomery County Code 1972, as amended, be and hereby is amended to read as follows:

21-4M. Personnel Administration - For Career Employees of Corporations.

(a) Personnel services. The Commission shall arrange with the County to provide as a service to local corporations the following services:

* * *

(5) Use of the Merit System Protection Board.

* * *

(c) Processing personnel transactions. The review required by subsection (a)(4) of this Section shall be performed within fourteen days after receipt of notice of the personnel transaction to be reviewed. The Commission shall be responsible for correcting inconsistent personnel actions. Any dispute arising out of this review process shall be resolved by the Merit System Protection Board as a service to the Commission and the local corporations under procedures established by the Board. Within six months after the assignment of its initial staff, the Commission, with the advice of the Personnel Director, shall:

(1) Establish procedures by which data shall be provided by the local corporations; and

(2) Designate such data as required to carry out the review of personnel transactions.

(d) Procedures concerning disclosure of illegal and improper actions and protection from retaliatory action.

* * *

(2) In the event the Commission fails to adopt the procedures required by subsection (d)(1) of this Section, the provisions of Section 33-10 of the Merit System Law, enacted as Chapter 24, Laws of Montgomery County, 1979, and any regulations adopted to implement these provisions shall be deemed to apply to the local corporations and its employees paid with tax funds.

(e) Grievances. For purposes of the grievance procedures, the head of the local corporation shall be accorded the same status as a department head of the County government.

(f) Disciplinary appeals. Any career employee who is removed, demoted or suspended may, as a matter of right, appeal directly to the Merit System Protection Board in accordance with law and with procedures established by the Board. The decision of the Merit System Protection Board shall be final and binding, and shall not be subject to review except by a court of competent jurisdiction upon appeal taken within thirty days. The decision of the Merit System Protection Board, or if appealed, the decree of the court, shall be enforceable by the Commission and by the Chief Administrative Officer.

* * *

(h) Annual review. The Merit System Protection Board shall annually review all personnel-related actions of the Commission and local corporations to insure reasonable uniformity.

* * *

Sec. 4. Section 27-21 of Chapter 27, title "Human Relations and Civil Liberties", of the Montgomery County Code 1972, as amended, be and hereby is amended to read as follows:

27-21. Procedures for Complaints Against County.

(a) In any case in which the County or any of its instrumentalities or agencies is alleged to be in violation of any of the provisions of this Division, a complaint may be filed with the Commission as hereafter provided or, at the sole discretion of the aggrieved party, directly with a court of competent jurisdiction. Any merit system employee who elects to file a complaint under this Section shall not be entitled to a duplicative merit system grievance review and shall be, therefore, deemed to have waived the right to have the same matter reviewed by the Merit System Protection Board as may be otherwise provided by law or regulation.

* * *

Sec. 5. Chapter 33, title "Personnel", of the Montgomery County Code 1972, as amended, be and hereby is amended to read as follows, and existing Sections 33-5(b)(6), (7) and (8) are renumbered (7), (8) and (9) respectively:

PERSONNEL

Article 1. In General.

33-1. Merit System Protection Board to Have All Powers and Duties of Police Civil Service Commissioner and Police Trial Board.

The Office of the Police Civil Service Commissioner and the Police Trial Board are hereby abolished and all references in the Code of Public Local Laws of Montgomery County (1947 Edition) to the Office of the Police Civil Service Commissioner or the Police Trial Board shall henceforth be construed so as to refer to the Merit System Protection Board, and the Board shall henceforth have all the powers and duties of the Police Civil Service Commissioner and the Police Trial Board, insofar as such powers and duties are prescribed in such Code of Public Local Laws and are consistent with the Montgomery County Charter and public general laws.

* * *

33-3. Continuation and Administration of Merit System.

* * *

(b) The merit system shall be administered by the Chief Administrative Officer, under the direction of the County Executive, and shall be governed by

and subject to the provisions of the Charter for Montgomery County, Maryland, 1978, as amended, provisions of this Chapter, and the Personnel Regulations adopted by the County Executive and approved by the County Council.

33-4. Salaries of Chairman and Members of Merit System Protection Board.

For members of the Merit System Protection Board appointed after December 31, 1979, the annual salary of the Chairman of the Merit System Protection Board shall be six thousand eight hundred dollars, adjusted as provided for below. The annual salary of the other two members of the Merit System Protection Board shall be six thousand dollars adjusted as provided for below. The members of the Merit System Protection Board and the Chairman shall be paid as indicated above for the first ten months this law is in effect. Thereafter, these salaries shall be changed, beginning on the first Monday in December of each year, by a percentage which is fifty percent of the percentage which the Consumer Price Index for All Urban Consumers for the Washington Metropolitan Area for the previous September shall have changed from the September of the previous year.

* * *

33-5. Statement of Legislative Intent; Merit System Principles; Statement of Purpose; Merit System Review Commission; Applicability of Article.

* * *

(b) Merit System Principles.

* * *

(6) All applicants to and employees of the County merit system shall be assured fair treatment without regard to political affiliation or other non-merit factors in all aspects of personnel administration.

* * *

(c) Statement of Purpose.

The basic purpose of this Article is to delineate the respective responsibilities of the County Executive, the Chief Administrative Officer and the Merit System Protection Board for personnel management in County government. It is the further purpose of this Article to implement by law the County Charter responsibilities of the County Council with respect to a

merit system generally, including provisions for salaries and wages of all classified employees of the merit system under a uniform salary plan, the Merit System Protection Board's authority to exercise its appellate functions, and promotion of the overall objective that the integrity of the County merit system be preserved and that it be administered fairly and efficiently in the best interests of the County and its employees.

* * *

33-6. Definitions.

For the purposes of this Article, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

Board. The Merit System Protection Board as described in Section 403 of the County Charter.

* * *

33-7. County Executive and Merit System Protection Board Responsibilities.

(a) Generally. In performing its functions, the board is expected to protect the merit system and to protect employee and applicant rights guaranteed under the merit system, including protection against arbitrary and capricious recruitment and supervisory actions, support for recruitment and supervisory actions demonstrated by the facts to be proper, and to approach these matters without any bias or predilection to either supervisors or subordinates. The remedial and enforcement powers of the Board granted herein shall be fully exercised by the Board as needed to rectify personnel actions found to be improper. The Board shall comment on any proposed changes in the merit system law or regulations, at or before the public hearing thereon. The Board, subject to the appropriation process, shall be responsible for establishing its staffing requirements necessary to properly implement its duties and to define the duties of such staff.

(b) Personnel Regulations. The County Executive, after a public hearing, shall adopt or amend Personnel Regulations, subject to County Council approval. The Regulations shall be deemed approved 45 days following receipt by the Council if by that time the Council has not acted upon the Regulations in some manner, including a resolution to extend, for not more than 30 days, the time for its

consideration. Personnel Regulations shall be effective on the first day following approval. Promptly following approval, the County Executive shall cause to be published once in one newspaper of general circulation published in the County a brief summary of the regulation so adopted, together with a statement of its effective date and of the place where a copy thereof may be promptly obtained. The requirement of public hearing, County Council approval and publication shall not apply to regulations adopted upon declaration of an emergency, unless the substance of the regulations had been the subject of previous emergency regulations. A summary of emergency regulations shall be published promptly after adoption and in the same manner described above. Emergency regulations shall cease to be effective and shall be of no further force or effect on or after the 61st day following their adoption.

The Personnel Regulations shall provide the framework for:

- (1) The classification of all merit system positions in the Executive and Legislative Branches;
- (2) Minimum qualifications for merit system positions, methods of determining qualifications and methods of selection for any positions;
- (3) Probationary periods, promotions, transfers;
- (4) Causes for removal from any merit system position and methods of removal, including demotions, furloughs and reduction of staff;
- (5) Annual, sick and other leave;
- (6) Prohibitions against political activity;
- (7) Maintenance of personnel records; and
- (8) Similar personnel matters as may be provided by law.

(c) Classification standards. With respect to classification matters, the County Executive shall provide by Personnel Regulation, adopted in the manner specified above, standards for establishing and maintaining a classification plan. These standards may include but are not limited to the following:

- (1) The necessary components of class specifications;
- (2) Criteria for the establishment of new classes, modification or elimination of existing classes;
- (3) Criteria for the assignment of positions to classes;

- (4) Kinds of data required to substantiate allocation of positions;
- (5) Guidelines for comparing levels of job difficulty and complexity;

and,

- (6) Criteria for the establishment or abolishment of positions.

The Board shall conduct or authorize periodic audits of classification assignments made by the Chief Administrative Officer and of the general structure and internal consistency of the classification plan, and shall submit audit findings and recommendations to the County Executive and County Council.

(d) Personnel Regulation Review. The Merit System Protection Board shall meet and confer with the Chief Administrative Officer and employees and their organizations from time to time to review the need to amend these Regulations.

(e) Adjudication. The Board shall hear and decide disciplinary appeals or grievances upon the request of a merit system employee who has been removed, demoted or suspended and in such other cases as required herein.

(f) Retirement. The Board may from time to time prepare and recommend to the Council modifications to the County's system of retirement pay.

(g) Personnel Management Oversight. The Board shall review and study the administration of the County classification and retirement plans and other aspects of the merit system and transmit to the Chief Administrative Officer, County Executive and the County Council its findings and recommendations. The Board shall conduct such special studies and audits on any matter relating to personnel as may be periodically requested by the County Council. All County agencies, departments and offices and County employees and organizations thereof shall cooperate with the Board and have adequate notice and an opportunity to participate in any such review initiated under this Section.

(h) Publication. Consistent with the requirements of the Freedom of Information Act, confidentiality and other provisions of law, the Board shall publish, at least annually, abstracts of its decisions, rulings, opinions and interpretations, and maintain a permanent record of its decisions.

(i) Public Forum. The Board shall convene at least annually a public forum on personnel management in the County government to examine the implementation of Charter requirements and the merit system law.

33-8. Administrative Responsibilities of the Chief Administrative Officer.

(a) The Chief Administrative Officer shall be responsible for the administration and enforcement of the merit system, including any retirement laws, labor relations laws and the Personnel Regulations. The Chief Administrative Officer may designate a representative to implement any or all of the provisions of law or the Personnel Regulations. The Chief Administrative Officer and all department heads are responsible for implementing all final decisions of the Merit System Protection Board made after grievance appeals, although the Chief Administrative Officer shall have the right to appeal any such decision in accordance with procedures recited elsewhere in this Article. The Chief Administrative Officer shall insure that all supervisors receive continual orientation and training about the intent, purpose and principles of the merit system and shall insure that all supervisors implement the objectives of this Article.

(b) The Chief Administrative Officer shall formulate administrative procedures to implement requirements of the merit system law and Personnel Regulations after providing reasonable public notice and opportunity for comment. These administrative procedures shall be distributed in a manner to make them accessible to all employees.

33-9. Equal Employment Opportunity and Affirmative Action.

(a) Policy. The County's policy shall be to take all personnel actions on the basis of merit and fitness without regard to political affiliation or non-merit factors, and without regard to other factors as may be provided for in Chapter 27 "Human Relations and Civil Liberties" such as sex, marital status, race, religion, national origin, age or handicap. The Chief Administrative Officer shall be responsible for initiating, developing and maintaining such an equal employment opportunity and affirmative action program as necessary to insure all persons an equal opportunity to enter and progress in the County's service on the basis of open competition and demonstrated ability. The County Executive is authorized to issue such rules and regulations as necessary to implement this policy. Such regulations shall provide that an employee whose personal religious beliefs require the abstention from work during certain periods of time may elect to engage in an alternate work schedule in

order to meet those religious requirements. The regulation shall include provision for any employee who elects to work an alternate schedule to be obligated to work an equal period of time to that taken off for such religious reasons.

(b) Conciliation. The Chief Administrative Officer is authorized to engage in consultation and conciliation efforts with agencies responsible for enforcement of equal employment opportunity laws with the objective of resolving complaints and to execute binding agreements with these agencies; provided, however, that these conciliation efforts shall not be deemed to abate the procedures or requirements as recited in Chapter 27. Should the complaint be determined to be a matter not properly within the jurisdiction of an equal employment opportunity enforcement agency, the complaint, as filed, shall be treated as a grievance and processed under the appropriate procedures established for grievances.

(c) Appeals by applicants. Any applicant for employment or promotion to a merit system position may appeal decisions of the Chief Administrative Officer with respect to their application for appointment or promotion. Appeals alleging discrimination prohibited by Chapter 27, "Human Relations and Civil Liberties", of the Code, may be filed in the manner prescribed therein. Appeals alleging that the decisions of the Chief Administrative Officer were arbitrary and capricious, illegal, based on political affiliation, failure to follow announced examination and scoring procedures, or non-merit factors, may be filed directly with the Merit System Protection Board. Appeals filed with the Merit System Protection Board shall be considered pursuant to procedures adopted by the Board. The Board may order such relief as is provided by law or regulation.

33-10. Disclosure of Illegal or Improper Actions in County Government; Protection for Merit System Employees Against Retaliation or Coercion for Disclosing Illegal or Improper Actions in County Government; Prohibited Practices; Complaint Procedures; Investigations; Penalties; Appeals.

(a) Disclosure of Illegal or Improper Actions.

(1) Employees are authorized and expected to report instances of illegal or improper actions in County government.

(2) Employees should first report such matters to the individual responsible for corrective action. Such person may be anyone from the employee's

immediate supervisor up to and including the County Executive, or in the case of Legislative Branch employees, the County Council.

(3) In unusual circumstances, or if a retaliatory action or coercion has taken place, the employee may file a report directly with either the Board or the Ethics Commission. The identity of both the employee filing a report and the County employee or official who is the subject of this report shall be kept confidential unless waived in writing by the parties. The Board or Ethics Commission shall cause an inquiry to be conducted or refer the report to the appropriate government official or agency.

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(b) Protection for Employees. Any merit system employee who refuses to obey an instruction involving an illegal or improper action or who discloses information concerning illegal or improper action in County government with a reasonable good-faith belief that such disclosures are true and accurate shall be protected under procedures authorized herein from any retaliatory or coercive personnel action. This provision does not extend protection to a merit system employee upon a determination that:

(1) The employee's actions were frivolous, unreasonable and without foundation, even though not brought in bad faith;

(2) The employee without good cause failed to comply with administrative regulations concerning the making of such disclosures; or

(3) The employee was the subject of otherwise proper personnel actions taken for disciplinary reasons and not for retaliatory purposes prohibited by this Section.

A personnel action shall mean any administrative act or omission which has a significant adverse impact upon the employee, or a change in the employee's duties or responsibilities inconsistent with the employee's grade and salary.

(c) Prohibited Practices. It shall be unlawful for any person to coerce any merit system employee into taking an illegal or improper action or take any retaliatory action against any merit system employee because of that employee's disclosure of information relating to illegal and improper action in County government.

(d) Filing of Complaints. If an employee believes a retaliatory action or coercion has taken place or been attempted because of his refusal to obey an illegal or improper instruction or disclosure of same, the employee may file a written complaint with the Board. The complaint must be filed within 60 days of the alleged violation or action and must contain:

- (1) The employee's name and signature;
- (2) The employee's home address and telephone number;
- (3) The name of the individual who allegedly took the action;
- (4) A concise description of the alleged coercion or retaliatory

action and reasons for believing it to be so. The identity of all parties shall be kept confidential unless and until there is a finding of probable cause or all parties waive such confidentiality in writing.

The Board may initiate an inquiry of any person suspected of taking retaliatory or coercive action, with or without a written complaint from an employee.

(e) Investigations. All complaints charging a violation of subsection (c) shall be promptly investigated by the Board's staff who shall determine whether probable cause exists to believe a violation of that Section has occurred. Should the Board's staff determine that the subject matter of the complaint involved allegations more properly the subject of an employee grievance or complaint to be filed under the provisions of the Personnel Regulations or other laws or regulations, the complainant shall be so advised and the complaint dismissed, and the period of limitations for the bringing of such other action shall be deemed to run from the date of the dismissal. Should the Board's staff determine that no probable cause exists, that determination shall be final and the complaint dismissed unless Board reconsideration is requested. Should the Board's staff determine that probable cause does exist, the staff shall prepare and cause to be served on the person believed to have violated subsection (c) a statement of charges fairly describing the alleged violation and the sanctions sought to be imposed for such violation. The charges shall then be certified to the Board to schedule and conduct hearings in accordance with the provisions of this Chapter. The case in support of charges shall be presented by the Board's staff.

(f) Penalties. If a County employee is found guilty of coercion, harassment or retaliation, the Merit System Protection Board may order the imposition of one or more of the following penalties:

- (1) Any disciplinary action provided for in the Personnel Regulations up to and including dismissal;
- (2) A monetary fine in any amount up to \$2,000.00;
- (3) Reimbursement of expenses incurred by all parties;
- (4) Other penalties as may be deemed appropriate and consistent with the Charter and laws of Montgomery County, Maryland.

(g) Appeals. An employee subject to the foregoing penalties based on the Merit System Protection Board's findings and decision may appeal to a court of competent jurisdiction.

33-12. Appeals of Disciplinary Actions; Grievance Procedures.

(a) Appeals of Certain Disciplinary Actions. Any merit system employee, excluding those in probationary status, who has been notified of impending removal, demotion or suspension shall be entitled to file an appeal to the Board which shall cause a hearing to be scheduled without undue delay unless the appeal has been settled during administrative review of the appeal by the Chief Administrative Officer or a designee. Any merit system employee who is the subject of other disciplinary action not specified above may file an appeal with the Board, but such appeal may or may not require a hearing as the Board may determine.

(b) Grievances. A grievance is a formal complaint arising out of a misunderstanding or disagreement between a merit system employee and supervisor with reference to a term or condition of employment. The determination of the Board as to what constitutes a term or condition of employment shall be final. Grievances do not include the following: Classification allocations, except due process violations; failure to re-employ a probationary employee; or other employment matters for which another forum is available to provide relief or the Board determines are not suitable matters for the grievance resolution process. A grievance shall include termination by resignation which is found by the Board to have been submitted under circumstances which cause the

resignation to be involuntary; in the event of such a finding, the Board shall require the appointing authority to substantiate the termination as in the case of a removal. The County Executive shall prescribe in the Personnel Regulations procedures which seek to secure at the lowest possible level a fair, prompt and mutually satisfactory resolution to a grievance. In providing these procedures, the County Executive shall insure that any grievance based upon an alleged improper application of a merit system law or regulation concerning a disputed issue of fact is entitled to resolution after a fact-finding inquiry authorized by the Board. Grievances based upon an alleged improper interpretation of merit system laws or regulation do not require a hearing during the grievance resolution process.

(c) Hearing Examiners. The Board may utilize hearing examiners to conduct grievance investigations and other hearings, authorized under this Section, who shall make findings and recommendations subject to objection by the parties and final Board approval under such procedures as established by the Board. A party to any proceeding which has been assigned to a Hearing Examiner shall be afforded the opportunity to present an oral argument on the record before the Board prior to a final decision.

33-13. Appeal Procedures.

The County Executive shall prescribe by Personnel Regulations procedures covering appeals including grievances which shall include the time limit for filing such appeal, the granting of administrative leave pending appeal, filing and cost of the administrative record, conduct of hearings, requirements for written notice, special evidentiary proceedings in cases where the remedy of employee reinstatement was a contested and unresolved issue in an ordinary appeal hearing and provisions for summary actions by the Board.

33-14. Hearing authority of Board.

(a) Hearing Requirements. Hearings before the Board are quasi-judicial in nature and shall be conducted in formal session in accordance with the provisions and authority contained in the County Administrative Procedures Act.

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(c) Decisions. Final decisions by the Board shall be in writing, setting forth necessary findings of fact and conclusions of law.

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33-15. Judicial Review and Enforcement.

(a) Any aggrieved merit system employee, or applicant, or the Chief Administrative Officer, may obtain judicial review of a Merit System Protection Board order or decision from the Circuit Court for the County in the manner prescribed under Chapter 1100, Subtitle B of the Maryland Rules of Procedure.

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33-35. Definitions.

The following words and phrases, as used in this Article, shall have the following meanings:

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County Merit System Protection Board or Board. The Merit System Protection Board as defined in the Charter of Montgomery County, Maryland.

* * *

33-48. Disability Retirement Hearing Board.

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(g) Appeals to the Merit System Protection Board. A member who disagrees with the Disability Retirement Hearing Board's decision shall have the right of appeal to the Merit System Protection Board within fifteen days of receipt of written notification of the decision. The Merit System Protection Board will review the appeal in accordance with the procedures outlined in the Personnel Regulations.

(h) Judicial Appeal. A final decision rendered by the Merit System Protection Board on an appeal may be appealed to any court of competent jurisdiction in accordance with the Maryland Rules of Procedure, Chapter 1100, Subtitle B.

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33-51. Reports and Audits.

(a) Annual Report. The Chief Administrative Officer shall submit to the County Council, County Executive and the Merit System Protection Board by the second week of February each year an annual report on the status of the retirement system for the preceding fiscal year. Copies of this report shall be available to all interested County officials, each member of the retirement system, and the public.

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33-56. Interpretations.

The Chief Administrative Officer shall have the responsibility for rendering decisions on questions arising under this Article. Any member of the County's retirement system and any retiree or designated beneficiary, eligible to receive benefits from the retirement system, may request, in writing, a decision on questions arising under this Article from the Chief Administrative Officer, who shall respond in writing to such request within 60 days. The response shall include a statement of appeal rights. Decisions by the Chief Administrative Officer may be appealed within 15 days to the Merit System Protection Board in accordance with procedures established by the Board. The decisions of the Board shall be final.

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33-63. Definitions.

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(c) Employee. Any County merit system employee working on a continuous full-time, career or part-time, career basis, eligible to be included in a unit of recognition except for the following:

* * *

(11) Employees of the Merit System Protection Board;

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33-71. Disputes.

All decisions of the Chief Administrative Officer under the provisions of this Article shall be final, subject to appeal to the Merit System Protection Board where provided by law.

Sec. 6. Severability

The provisions of this Act are severable and if any provision, sentence, clause, section, word or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, words or parts of the Act or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Act would have been adopted if such illegal,

invalid, or unconstitutional provision, sentence, clause, section, word or part had not been included therein, and if the persons or circumstances to which the Act or part thereof is inapplicable had been specifically exempted therefrom.

Sec. 7. Effective Date.

The Council hereby declares that an emergency exists and that this legislation is necessary for the immediate protection of public health and safety. Therefore, this Act shall take effect on the date on which it becomes law.

Approved:

Neal Potter Dec 3, 1981
President, Montgomery County Council Date

Approved:

Charles W. Goss December 10, 1981
County Executive Date

ATTEST:

Annal Spates December 10, 1981
Secretary of the County Council Date